

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IFEOMA EZEKWO,

Plaintiff,

-against-

ST. PHILLIP NERI, CATHOLIC CHURCH,
BRONX, NEW YORK; ARCHDIOCESE OF
NEW YORK; AMERICAN COUNCIL OF
CATHOLIC BISHOPS; POPE FRANCIS AND
VATICAN; RICHARD A. COPPOLA; REV.
MSGR. JOSEPH P. LAMORTE; JOHN
DIBATTISTA; MONSIGNOR KEVIN
SULLIVAN; ARI ZERVOUDIS; CATHOLIC
HOMES; LOUIS L. STANTON, Individually and
in his official capacity as Justice of the Federal
Southern District of New York Court New York;
NORMA RUIZ, Individually and in her official
capacity as Justice of the Superior Court of New
York, Bronx, et al; AND JOHN (or JANE) DOES
1-10,

Defendants.

21-CV-2175 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, appearing *pro se*, brings this action alleging that Defendants have violated her constitutional rights. Plaintiff submitted the complaint without the \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, a request authorization to proceed *in forma pauperis* (IFP), that is without prepayment of fees. *See* 28 U.S.C. §§ 1914, 1915. The Court dismisses the complaint for the following reasons.

Plaintiff has another action pending in this Court. *See Ezekwo v. Neri*, No. 20-CV-9505 (LLS) (filed Nov. 12, 2020). By order dated February 12, 2021, Hon. Louis L. Stanton dismissed that complaint for failure to state a claim but granted Plaintiff 30 days’ leave to replead. *Id.* at ECF No. 3. On March 12, 2021, the day after Plaintiff filed this new action, Plaintiff filed an amended complaint in No. 20-CV-9505 (LLS) that is identical to the complaint in this case. *Id.* at

ECF No. 4. As this complaint raises the same claims raised in Plaintiff's amended complaint, no useful purpose would be served by litigating this duplicate lawsuit. Therefore, this complaint is dismissed without prejudice to Plaintiff's pending case under docket number 20-CV-9505 (LLS).

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

Plaintiff's complaint is dismissed without prejudice to Plaintiff's pending case under docket number 20-CV-9505 (LLS).

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: March 19, 2021
New York, New York



COLLEEN McMAHON
Chief United States District Judge